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**APPRENTICESHIP AND INDUSTRY
TRAINING ACT**

**A DISCUSSION PAPER ON THE DEVELOPMENT OF
BOARD REGULATIONS**

Alberta
CAREER DEVELOPMENT
AND EMPLOYMENT

August 16, 1991



IMPORTANT NOTICE

Written responses to this Discussion Paper should be forwarded to the following address before September 30, 1991:

**The Executive Director
Apprenticeship and Trade Certification Division
Career Development and Employment
10th Floor, CityCentre 10155 - 102 Street
Edmonton, Alberta
T5J 4L5**

FAX: 422-7376

A comments form is attached for your convenience.

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INTRODUCTION

The Apprenticeship and Industry Training Act received Royal Assent on June 25, 1991 and will come into force on January 1, 1992.

This Discussion Paper has been prepared to seek comments from industry and the public regarding the development of those regulations under the Apprenticeship and Industry Training Act for which the Alberta Apprenticeship and Industry Training Board is responsible.

The regulations are an important and integral part of the total legislative package. Under the Apprenticeship and Industry Training Act, the Lieutenant Governor in Council, the Minister, and the Board each have certain specific regulation making authority. These are as follows:

1. The authority of the Lieutenant Governor in Council to make regulations relates to :
 - (a) the designation of compulsory certification trades and optional certification trades [section 21(1) and 22(1)],
 - (b) the changing or the rescinding of designations [section 30], and
 - (c) the provision of a program of transition when trades are designated or the designation is changed or rescinded [section 31].
2. The authority of the Minister to make regulations relates to:
 - (a) designated trades [section 33(1)],
 - (b) designated occupations [section 37(1)],
 - (c) appeals [section 47], and
 - (d) the transition of tradespeople currently working without trade certificates into an environment where a trade certificate will be granted only on completion of an apprenticeship program [section 57(8)].

The authority of the Minister relates primarily to public policy issues. These are issues which affect all or most Albertans, such as the criteria which will be considered when a trade is designated. The Minister may make one or several regulations.

3. The authority of the Board to make regulations is subject to the approval of the Minister and relates to:
 - (a) designated trades [section 33(2)], and
 - (b) designated occupations [section 37(2)].

The authority of the Board relates primarily to trade or occupation specific issues. These are issues which affect people who are involved in designated trades or designated occupations. The Board may make regulations which are general in nature, such as a regulation respecting the resolution of disagreements between employees and their employers arising out of matters coming under the Act. The Board also may make regulations which relate only to a specific trade or occupation, such as the ratio of apprentices to

journeymen that may be employed by an employer in a specific trade.

The authority of the Board under section 33(2) relates primarily to trade specific issues. The regulation may be general in nature or trade specific. Generally, the regulations could be divided as follows:

General Board Regulations

Standards and requirements of apprenticeship programs

- eligibility requirements [33(2)(c)(i)]
- responsibilities of apprentice [33(2)(c)(ii)]
- responsibilities of employer [33(2)(c)(ii)]
- hours of work [33(2)(c)(iv)]
- wages [33(2)(c)(iv)]
- employment of apprentices, additional apprentices, temporary employment [33(2)(c)(iii)]
- length of apprenticeship [33(2)(c)(vi)]
- granting of credit [33(2)(c)(v)]
- technical content [33(2)]
- examinations [33(2)(ix)]

Resolution of disagreements between employers and their employees arising out of matters coming under the Act [33(2)(d)]

Student work training programs [33(2)(e)]

Recognition of documents as equivalent to trade certificates [33(2)(f)]

Recognition of training programs, courses of training or programs of study (accreditation) [33(2)(g)]

Procedures respecting persons who have certification, recognition or training in a trade in another jurisdiction [33(2)(h)]

Trade Specific Board Regulations

Definition of trade [33(2)(a)]

Tasks, activities and functions coming within a designated trade [33(2)(b)]

Number of apprentices that may be employed by an employer (ratio) [33(2)(c)(iii)]

Education requirement of apprentices [33(2)(c)(i)]

Term of apprenticeship [33(2)(c)(vi)]

Wages [33(2)(c)(iv)]

Under section 37(2) of the Act the Board has authority to make regulations regarding occupations in the areas of:

- definition of designated occupations [37(2)(a)]
- tasks, activities, and functions of designated occupations [37(2)(b)]
- approval of training programs [37(2)(c)]
- registration of trainees [37(2)(d)]
- training [37(2)(e)]
- eligibility of trainees and employees [37(2)(f)]
- recognition of programs of training [37(2)(g)]
- granting of credit [37(2)(h)]
- examinations [37(2)(i)]
- standards of achievement [37(2)(j)]
- equivalencies from other jurisdictions [37(2)(k)]

This Discussion Paper only deals with the general board regulations under section 33(2) of the Act for which the Alberta Apprenticeship and Industry Training Board is responsible. It contains only proposed content for the Board's regulations. Detailed regulations which deal with individual trades and occupations will be phased in over a period of time after January 1, 1992. In the interim, the existing individual trade regulations will remain in force, to the extent that they apply, under the Apprenticeship and Industry Training Act. Proposed Ministerial regulations have been released separately for public review and comment and may be obtained by contacting the Executive Director of Apprenticeship and Trade Certification or your nearest Career Development Centre.

Because the Apprenticeship and Industry Training Act comes into force on January 1, 1992, it is important to receive the response to this Discussion Paper from the stakeholders as soon as possible in order to have the regulations in place by January 1, 1992. The response from stakeholders will help shape the final regulations.

To facilitate this important process, the Discussion Paper has been divided into sections on a topic basis. Comments, explanation and questions for each section are included. A comments form is attached for your convenience in providing input into the regulations. This does not preclude any other comments or suggestions being made or any other type of format be used in making your contribution. Your response should be forwarded to:

The Executive Director
Apprenticeship and Trade Certification Division
Career Development and Employment
10th Floor, CityCentre Building 10155 - 102 Street
Edmonton, Alberta
T5J 4L5

FAX: 422-7376

Please note that your response must be received by September 30, 1991. An acknowledgement of receipt of your comments will be provided as soon as possible. However, because of volume and time constraints, individualized letters responding to the content of your comments will not be provided. Nevertheless, please be assured that your comments, along with all others, will be considered in drafting the final regulations. **Your response is important.**

PROPOSED REGULATIONS

UNDER THE AUTHORITY OF THE

ALBERTA APPRENTICESHIP AND INDUSTRY TRAINING

BOARD

This section contains proposed regulations as well as comments and questions regarding those proposed regulations. Regulations proposed in this section will be in italics and surrounded by a box. Comments and questions will appear in normal text. **Please note that the wording of these proposed regulations is only approximate.** While this draft conveys the intent of the regulations, exact wording will be provided by Legislative Counsel prior to approval of the regulations by the Board and Minister.

Proposed Regulation

DEFINITIONS

1 *In this Regulation,*

- (a) *"Act" means the Apprenticeship and Industry Training Act,*
- (b) *"employer" means a person or group of persons whose interests with respect to these regulations, relates to the training and productivity of workers in a designated trade or occupation and who is responsible for the remuneration of those workers; or, anyone empowered to fulfil all the responsibilities of the employer as outlined in Section 5 of these Regulations,*
- (c) *"period of apprenticeship" means a portion of the term of apprenticeship as established by trade regulations for a particular trade,*
- (d) *"term of apprenticeship" means the full on-the-job and technical training requirements, as specified in an apprenticeship contract, which an apprentice must serve from entry to completion of an apprenticeship contract,*
- (e) *"technical training" means a course of formal instruction prescribed by the Apprenticeship and Industry Training Board which is supplementary to on-the-job training,*
- (f) *"record book" means a document prescribed by the Apprenticeship and Industry Training Board for the purpose of recording the progress of an apprentice including on-the-job training,*
- (g) *"Minister" means the Minister of Career Development and Employment or his designate,*
- (h) *"Career Development Centre" means an office of Career Development and Employment where the administration of programs under this Act are carried out,*
- (i) *"examination" means any method approved by the Board of assessing a person's skills and knowledge relative to a trade or occupation*

continued...

- (j) *"journeyman" means a person who has a trade certificate recognized under this Act.*

Comments

Concern has been expressed as to whether the term "journeyman" is acceptable for use in legislation. Is the term acceptable in your view? What other term might be used?

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APPRENTICESHIP PROGRAMS

Proposed Regulation

Compulsory Apprenticeship

- 2 *In order to work in a designated trade under this act, a person who does not hold a trade certificate in that trade which has been issued or recognized under this Act, must be an indentured apprentice in that trade unless that person*
- (a) *is permitted under section 22(4) or 22(5) of the Act to work in that trade,*
 - (b) *is authorized to work, or the employer is authorized to employ that person, under section 23(1) of the Act,*
 - (c) *is a student in a student work training program which has been approved by the Board in that trade, or*
 - (d) *has filed a subsisting application for apprenticeship in that trade.*

Comments

Participation in an apprenticeship program in a designated trade continues to be compulsory as under the Manpower Development Act. However, sections 22(4) and 22(5) of the Act provide that, in optional certification trades only, a person who in the opinion of the employer possesses the skills and knowledge expected of a person who holds a trade certificate, or a person who is self employed, is exempt from compulsory participation in apprenticeship.

Section 23(1) of the Act provides authority to the Executive Director to grant an authorization that will permit people to work who are not otherwise permitted to work under the Act.

The acceptance of an application of apprenticeship by the Executive Director would be considered an authorization to work under the supervision of a journeyman.

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Proposed Regulation

Compulsory Application

- 3 *An employer who carries on work in a designated trade and the person who is to carry out that work in the capacity of an apprentice, shall immediately on commencement of employment of that person, jointly apply for participation in apprenticeship in that trade.*

Comments

The intent is to be consistent with the principle of compulsory apprenticeship by requiring immediate application for apprenticeship upon commencement of employment.

es

Proposed Regulation

Contract of Apprenticeship

- 4(1) *In order for an employee to enter into a contract of apprenticeship, that person must*
- (a) *be 17 years of age or older and meet or be able to meet educational or other entrance requirements prescribed by the Board for the applicable trade, and*
 - (b) *be employed by an employer who is eligible to employ an apprentice.*
- (2) *In order for an employer to be eligible to employ an apprentice in a compulsory certification trade, the employer must hold a trade certificate, or employ a person who holds a trade certificate, in that trade and be able to provide supervision of the apprentice in the tasks, functions and activities of the trade to the satisfaction of the Executive Director.*
- (3) *In order for an employer engaged in the work of an optional certification trade to be eligible to employ an apprentice, the employer must*
- (a) *hold a trade certificate in the applicable trade, or employ a person who holds a trade certificate, in that trade and be able to provide supervision of the apprentice in the tasks, functions and activities of the trade to the satisfaction of the Executive Director; or*
 - (b) *in the opinion of the Executive Director have, or employ someone who has, adequate skills and knowledge in a trade and meet the work experience requirements prescribed by the Board to be considered of journeyman status and be able to provide supervision of the apprentice in the tasks, functions and activities of the trade.*
- (4) *Nothing in this section shall prohibit the Executive Director from initiating or maintaining a contract of apprenticeship with a person who is unemployed, where such an arrangement will facilitate the progress of an apprentice or enable evaluation of the skills and knowledge of a prospective apprentice for the purpose of placement and/or access to apprenticeship training.*

continued...

- (5) *Any contract of apprenticeship entered into under subsection (5) shall not continue for more than two terms of classroom technical training unless on-the-job training is also provided.*
- (6) *Notwithstanding anything in this section, the Executive Director may waive any of the requirements in this section in order to facilitate the entry into or continuance of a person in an apprenticeship program.*

Comments

Authority for this Section is established in section 33(2)(c)(i) of the Act.

Under the Manpower Development Act (MDA), the minimum age of an apprentice is 16 years of age. These draft regulations raise the minimum age to 17 years which is typically the minimum age at which individuals may complete high school. The reasoning behind this increase of the minimum age is that it may send a signal to students and their counsellors regarding the importance of completing high school. Regardless of the trade, more and more employers are realizing the importance of high school completion as the minimum level of education required to function successfully as an apprentice.

Should a minimum age of an apprentice be prescribed by these regulations?

Will this be seen to represent a barrier to accessing apprenticeship?

What about prescribing specific educational requirements (e.g. completion of grade 12 math or physics)?

Does subsection (2) above adequately deal with the concerns relative to perceived barriers and access programs for which the Minister is responsible?

Subsection (3) above makes reference to the employer's ability to provide supervision across a reasonable scope of the trade and may impact on the eligibility of employers working in a limited scope of the trade, to indenture apprentices (e.g. muffler or brake shops). Is this an issue?

The intent of subsection (3)(ii) is to enable employers in optional certification trades who do not hold a trade certificate but do have the necessary skills to supervise and train apprentices, to indenture apprentices. In this case the Board could prescribe the amount of trade experience required by the person supervising an apprentice. Would this be useful? What will be the impact of having uncertified tradespersons training apprentices in optional certification trades? Would the removal of this subsection cause a reduction in the number of apprentices in the optional certification trades? Would there be other impacts?

Subsection (4) relates to the issue of mobility and access to training. It would enable the Executive Director to provide examinations for the purpose of assessing and placing a person who has acceptable trade experience as determined under section 19 of these regulations in an apprenticeship program and provide for any technical training which would help the prospective apprentice to find an employer. Should this subsection be further revised to enable the indentureship of apprentices to Joint Training Committees or other agencies?

Proposed Regulation

Responsibilities of an Employer

- 5 *For each apprentice employed by an employer, that employer is responsible for*
- (a) *providing on the job training for the apprentice in the tasks, activities and functions of the trade carried on by the employer,*
 - (b) *ensuring supervision of the apprentice as required by the applicable trade regulation,*
 - (c) *releasing the apprentice to regularly attend the technical training courses required to complete the apprenticeship program,*
 - (d) *ensuring that the apprentice's direct supervisor makes entries in the record book of the apprentice as required by the Board at the completion of each period of apprenticeship training, or at the time of contract transfer to another employer,*
 - (e) *immediately submitting an application form or appropriate transfer documents to the nearest Career Development Centre when the employment of an apprentice either commences or is terminated.*
 - (f) *paying the apprentice at a wage rate which meets the requirements of clause 7(1) of these regulations.*

Comments

Authority for this section is established in section 33(2)(c)(ii) of the Act.

Are there any other areas of responsibility not listed in section 5 which should be listed under employer responsibilities for the purpose of these regulations ?

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Proposed Regulation

Responsibilities of an Apprentice

- 6 *An apprentice is responsible for*
- (a) *cooperating in completing on-the-job training in the tasks, activities and functions of the trade as assigned by the employer and in meeting any additional training requirements relating to the trade which the employer or the Board deems appropriate,*
 - (b) *attending all technical training courses at scheduled times and training locations required to complete the contract of apprenticeship,*

continued...

- (c) *purchasing the text books and other supplies required for technical training courses,*
- (d) *completing all technical training courses and examinations required by the Board to successfully complete the term of apprenticeship,*
- (e) *reviewing with the employer, at the completion of each period of apprenticeship, the hours worked and on-the-job training completed during that period, and ensuring that the record book is sent to the nearest Career Development Centre,*
- (f) *ensuring that the record book is kept up-to-date and, should the apprentice become employed by another employer, that the documentation required to transfer the apprenticeship contract is completed,*
- (g) *immediately notifying the nearest Career Development Centre of any change in address or in employment,*
- (h) *carrying the identification card issued by the Minister at all times while at work and producing it, on request, and*
- (i) *planning for and making any necessary arrangements to meet financial needs while attending technical training.*

Comments

Authority for this Section is established in Section 33(2)(c)(ii) of the Act.

The responsibilities listed under this section are similar to those listed in the General Regulation under the Manpower Development Act with some additional emphasis on the apprentices' responsibility for the Record Book and for processing related documentation. These regulations omit provisions which exist under the Manpower Development Act relating to observing established hours of work and showing due regard for tools and goods of the employer. Are these required? Are there any other apprentice responsibilities which should be listed under this section of the regulations?

Sections under the Manpower Development Act relating to attendance and deportment at technical training have been omitted from these regulations. It is intended to cover these matters in policy.

The intent of subsection (i) is to emphasize that apprentices are responsible for making their own financial arrangements while attending technical training.

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Proposed Regulation

Wages

- 7(1) *Subject to the Employment Standards Code, an employer shall pay the apprentice wages at a rate not less than that prescribed by the applicable trade regulation and ensure that each increment is paid commencing on the date that all the requirements of a period of apprenticeship have been met,*
- 7(1) *An employer may pay wages to an apprentice during the time the apprentice attends the technical training component of the apprenticeship program.*

Comments

This section is intended to lay out clearly the employer's responsibilities regarding minimum wages to be paid to apprentices. Is this section useful? Should this section be incorporated into section 5 which addresses the responsibilities of employer?



Proposed Regulation

Employment of Apprentices

- 8(1) *An employer who is eligible to employ an apprentice under section 4, subsections (3) and (4) of these regulations, may employ the number of apprentices prescribed by the applicable trade regulation.*
- (2) *Notwithstanding subsection (1), if the supply of persons who hold trade certificates in a location where an employer is carrying on business is insufficient to permit the employer to carry out the work commitments of the employer, the Executive Director may authorize the employer to employ apprentices in addition to the maximum number permitted by the applicable trade regulation.*

Comments

Eligible employers may only hire as many apprentices as allowed under the applicable trade regulation. However, in the event of a local shortage of qualified tradespersons an employer may apply to the Executive Director for an authorization to hire more apprentices than allowed under that regulation.



Proposed Regulation

Temporary Employment

- 9(1) *For the purpose of providing training to an apprentice in the tasks, activities and functions of a trade in which that apprentice's employer is not engaged, the Executive Director may authorize an employer, on a temporary basis, to employ additional apprentices to the maximum number permitted under the applicable trade regulation.*

continued...

- (2) *An apprentice employed temporarily under subsection (1) shall not be considered to be apprenticed to the temporary employer for the purposes of determining the maximum number of apprentices that the employer is permitted to employ by the applicable trade regulation .*
- (3) *Temporary employment under subsection (1) does not modify or otherwise affect the rights and obligations of the original employer and the apprentice under the contract of apprenticeship, the Act or any regulation under the Act.*

Comments

As in section 8, section 9 is intended to provide flexibility in regulations to accommodate regional labour market situations. These provisions are similar to those contained in Part 1 of existing trade regulations.



Proposed Regulation

Term of Apprenticeship

- 10(1) *The length of an apprenticeship program shall be the number of periods prescribed by the applicable trade regulation.*
- (2) *The length of each period shall be the amount of on-the-job training prescribed by the trade regulation plus the amount of time necessary to complete the required technical training.*
- (3) *The Executive Director may grant credit to a prospective apprentice for previous training or experience in the trade*
- (a) *by reducing the number of periods of apprenticeship to be served by a prospective apprentice,*
or
- (b) *by reducing the length of a period of apprenticeship to be served by a prospective apprentice.*
- (4) *Notwithstanding subsection (3), the Executive Director shall not reduce the term of apprenticeship to less than a minimum prescribed for that trade by the Board upon the recommendation of the applicable provincial apprenticeship committee.*

Comments

Authority for this Section is established in Section 33(2)(c)(vi) of the Act.

Existing trade regulations use varying methods of describing the length of a period of apprenticeship. In some trades a period of apprenticeship is a specified number of hours of on-the-job training inclusive of technical training while in other trades it is exclusive of technical training. The intent here is to provide a standard description in Board Regulations to facilitate application of credit towards an apprenticeship for previous training and trade experience.

The intent of Section 10(3) above is to enable the Board, upon the recommendation of a provincial apprenticeship committee, to prescribe a minimum amount of time to be served in apprenticeship in order to graduate as a completed apprentice.



Proposed Regulation

Technical Content of an Apprenticeship Program

- 11(1) The content of technical training courses and the on-the-job training component of an apprenticeship program shall be recommended by the applicable provincial apprenticeship committee and approved by the Board.*
- (2) The record book will be the official record of the apprentice's progress through on-the-job training and this record will be in a format recommended by the applicable provincial apprenticeship committee and approved by the Board.*
- (3) Notwithstanding anything in this regulation or the applicable trade regulation, the Executive Director may modify the applicable program requirements to accommodate a person with special needs.*

Comments

Authority for this section is established in section 33(2)(c)(vii) of the Act.

The intent of subsection (1) is to ensure that the authority and responsibility for the content of apprenticeship training programs is clear.

Subsection (2) is intended to establish the apprentice record book as an official method of documenting an apprentice's progress through the on-the-job training portion of the program and to establish industry's responsibility for determining the content and format of this record.



Proposed Regulations

Examinations

- 12(1) Where prescribed by the applicable trade regulation a prospective apprentice shall be required to take an entrance examination as part of the apprenticeship application approval process.*
- (2) Where an apprentice is not able to document the minimum educational requirements prescribed in the applicable trade regulations, the apprentice shall be required to take an entrance examination as part of the apprenticeship application approval process.*
- (3) In order to complete an apprenticeship program, an apprentice shall be required to successfully complete all examinations prescribed by the Board.*

continued...

- (4) *The Executive Director shall arrange for the examination of persons who are eligible for an assessment of their skill and knowledge in a trade for the purpose of facilitating placement into the apprenticeship program or for the purpose of recognizing equivalency to Alberta standards.*
- (5) *The examination and assessment instruments referred to in this section shall be subject to approval by the Board.*

Comments

Authority for this Section is established in Section 33(2)(c)(viii), (ix), and (x) of the Act.

Subsections (1) and (2) of this section are intended to establish the requirements for an entrance examination as is the case under the Manpower Development Act. The wording however has been modified to address concerns that these examinations are perceived as barriers to entrance into apprenticeship. Under these sections exams would be used more as diagnostic tools to determine what remedial training is required and less as screening devices.

The intent of subsection (4) is to provide for some form of assessment which can be used to determine the competencies of prospective apprentices and potential journeyman. In the interim, while such assessment instruments are being developed, the existing Journeyman exams and/or progressive exams could be used.



Proposed Regulation

Appeal of Examination Results

- 13(1) *A person who is dissatisfied with the mark attained on a written examination under section 12 may, within 30 days after receipt of the mark, apply in writing to the Executive Director for a review of the mark.*
- (2) *Where the Executive Director receives an application under subsection (1), the Executive Director shall arrange to have the marking of the examination reviewed.*
- (3) *The Executive Director shall, within 30 days, notify the applicant in writing of the results of the review referred to in subsection (2).*

Comments

Authority for this Section is established in Section 33(2)(c)(ix) and (x) of the Act.

This proposed process for appealing examination marks is similar to the process established under the General Regulations of the Manpower Development Act except that the provision for appealing the decision of the Executive Director to the Board, has been omitted. Should this appeal to the Board be available? Should practical examinations which are marked by the LAC members be appealable through the same process or should the grading of practical examinations not be appealable?



Proposed Regulation

Standards of Achievement

- 14 *No apprentice shall be granted a Journeyman Certificate until that apprentice has*
- (a) *completed the term of apprenticeship,*
 - (b) *in the opinion of the Executive Director, satisfactorily met all technical training requirements prescribed by the Board,*
 - (c) *completed all examinations prescribed by the Board and in those examinations attained the pass marks prescribed by the Board, and*
 - (d) *has been given a satisfactory report by the direct supervisor, or in the opinion of the Executive Director has satisfactorily completed all on-the-job training requirements.*

Comments

Authority for this Section is established in Section 33(2)(c)(x), of the Act .

Provisions under this section are similar to those provided in section 16 of the General Regulations of the Manpower Development Act with the following exceptions:

1. process related requirements (e.g. submitting the record book) have been omitted, and
2. reference to a satisfactory report by the school has been omitted to accommodate more flexible approaches to the delivery of technical training.

Subsection 14(d) represents a change from the provisions of the Manpower Development Act in that it is intended to enable the Executive Director to overrule an employer who, for example, may be attempting to prevent an apprentice from graduating. Should the Executive Director have this power or should it be vested in the Board or provincial apprenticeship committee?

↪

Proposed Regulation

Resolution of Disagreements Between Employees and Employers

- 15(1) *Where a disagreement arises between an apprentice and the employer with respect to the apprenticeship or the contract, the employer or the apprentice or both may report their concerns in writing to the Executive Director.*
- (2) *The Executive Director, if unable to effect a settlement, shall refer the disagreement to the appropriate local apprenticeship committee for settlement by direct negotiation or for recommendation of a possible solution by the Executive Director, who shall then formulate his decision and advise the parties to the disagreement.*

continued...

- (3) *Where either party to the disagreement wishes to appeal the decision of the Executive Director, they may within 30 days of the date of the decision appeal in writing to the chairman of the Board.*
- (4) *Upon receiving an appeal under subsection (3), the Chairman of the Board shall convene a hearing of the case and render a final decision within 45 days of receipt of the appeal.*
- (5) *Nothing in this regulation prejudices the right to an appeal under Part 4 of the Act.*

Comments

Authority for this section is established in section 33(2)(d) of the Act.

The process laid out in this section is taken from the General Regulations of the Manpower Development Act. Does the process require modification? Are the timeframes laid out for response and decision appropriate?

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RECOGNITION AND ACCREDITATION OF PREVIOUS TRAINING AND EXPERIENCE

Proposed Regulation

Student Work Training Programs

- 16(1) *The Board may approve, upon the recommendation of the applicable provincial apprenticeship committee, the recognition of student work training programs in a designated trade.*
- (2) *The Board shall maintain a registry of programs recognized under subsection (1).*

Comments

Authority for this Section is established in Section 33(2)(e) of the Act.

It is assumed that the Board would establish criteria for the recognition of these programs which might include appropriateness of curricula and conditions of work including proper supervision and on-the-job training.

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Proposed Regulation

Recognition of Training Programs

- 17(1) *The applicable provincial apprenticeship committee may recognize a training program, a course of training or a program of study provided by persons or organizations other than the Minister as equivalent to training provided pursuant to an apprenticeship program for the purpose of granting credit to a prospective apprentice under section 11 of these regulations.*
- (2) *The recognition given under subsection (1) shall be given in accordance with policies developed by the Board respecting such recognition.*

Comments

Authority for this section is established in section 33(2)(c)(iv) and 33(2)(g) of the Act.

This section deals with accreditation and is intended to establish the authority of the provincial apprenticeship committee with respect to the recognition, for the purpose of granting credit towards an apprenticeship, of technical training courses offered outside the apprenticeship program. Under these proposed provisions the provincial apprenticeship committee would have the authority to grant accreditation but only in accordance with policies established by the Board. An alternative approach is to have the Board approve the accreditation upon the recommendation of the provincial apprenticeship committee. Which approach is better?

~

Proposed Regulation

Recognition of Previous Experience in a Trade

- 18 *The Executive Director may, for the purpose of granting credit for previous experience in a trade, assess the skills and knowledge of a person who has acquired such trade related experience in a manner acceptable to the Board.*

Comments

Authority for this Section is established in Section 33(2)(c)(v) and 33(2)(h) of the Act.

This section is the only provision through which a person who does not hold any form of certification or documentation recognizing formal training in a trade would be able to obtain recognition for experience in a trade.

Should those who do not hold some form of certification in a trade, regardless of their skill level or experience, be required to obtain some formal training by completing a minimum period of apprenticeship (a "residency" requirement) in order to become certified in Alberta?

While this would ensure that all people with an Alberta certificate in a given trade have similar training, it might this be perceived as an unnecessary barrier to mobility, especially in compulsory certification trades?

Should such persons be granted a "Journeyman Equivalency" type of certificate (without requiring a "residency") if they are assessed as being up to a journeyman level in trade skills and knowledge?

Under the provisions of sections 22(4), 22(5), 23(1) and perhaps 27 of the Act an individual might legitimately acquire enough experience to successfully demonstrate the skills of a journeyman.

Should work experience acquired under these clauses be eligible for credit towards Alberta trade certification?

Should a person who has acquired skills and knowledge in an optional certification trade under these clauses be given the opportunity to achieve "journeyman equivalency" status?

What should constitute experience acquired in a *manner acceptable to the Board*?

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RECOGNITION OF DOCUMENTS AS EQUIVALENT TO A TRADE CERTIFICATE

Proposed Regulation

Interprovincial Standards Red Seal

- 19 *A Certificate in a trade designated in Alberta issued by another province or territory within Canada bearing an Interprovincial Standards Red Seal shall be considered equivalent to a trade certificate in the same trade granted under this Act.*

Comments

Authority for all sections under this part of the proposed regulations is established in section 33(2)(f) of the Act.

Under the Trade Regulations of the Manpower Development Act, a trade certificate bearing a Red Seal may be exchanged for an Alberta Trade Certificate without examination. The intent under these regulations is that the person would work in Alberta on the strength of the Red Seal certificate issued by the originating Canadian jurisdiction.

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Proposed Regulation

Certificates of Completion of Apprenticeship

- 20(1) *A Certificate of Completion of Apprenticeship issued by another Canadian province or territory in a trade not participating in the Interprovincial Standards Program, may be assessed as equivalent to a trade certificate in the same trade granted under this Act.*
- (2) *A Certificate of Completion of Apprenticeship issued by another Canadian province or territory in a trade prior to implementation of the Interprovincial Standards Program in that trade, is equivalent to a trade certificate in the same trade granted under this Act.*

Comments

These proposals are similar to provisions in Part 2 of Trade Regulations under the Manpower Development Act. Should this arrangement be perpetuated?

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Proposed Regulation

Documents Issued by Other Agencies or Jurisdictions

- 21(1) *The applicable provincial apprenticeship committee may recognize a trade certificate issued by any other agency or jurisdiction as being equivalent to their trade's Alberta Trade Certificate.*
- (2) *The recognition given under subsection (1) shall be given in accordance with policies developed by the Board respecting such recognition.*

Comments

This section is similar to section 17 of these regulations which authorizes provincial apprenticeship committees to accredit previous training towards apprenticeship based on policies established by the Board. The intent of this section is to enable the recognition of credentials without examination, where it has been determined to the satisfaction of a provincial apprenticeship committee and the Board (perhaps through historical evidence of examination results or a formal assessment of the training program), that the certificate represents a level of skills and knowledge which meets the standards of Alberta's industry. Is this approach acceptable?

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Proposed Regulation

Granting of a Document Recognizing the Equivalency of a Trade Credential to an Alberta Trade Certificate

- 22 *Upon the request of a person who holds a document recognized under this part of the regulation as equivalent to an Alberta Trade Certificate the Executive Director, on the advice of the Board, shall issue a document in a form prescribed by the Board recognizing that equivalency.*

Comments

Will industry accept trade certificates from other jurisdictions without some written acknowledgement from the province that the credential is considered equivalent?

If some acknowledgement is to be given, in what form should such an acknowledgement be (a letter, a certificate of journeyman equivalency)?

(see also Section 24)

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THE RECOGNITION OF TRAINING OR WORK EXPERIENCE OF PERSONS WHO HAVE CERTIFICATION, RECOGNITION, OR TRAINING IN A TRADE IN ANOTHER JURISDICTION

Proposed Regulation

Documents Issued by Another Jurisdiction Recognizing Training or Work Experience

- 23(1) *A person who holds a document issued by another jurisdiction which is not recognized under sections 19, 20, 21, or 22 of these regulations and who is, or is seeking to become, employed in a trade designated for optional certification in Alberta must*
- (a) make application to the Executive Director for an examination and assessment to determine if their skills and knowledge in the applicable trade meets Alberta standards, or*
 - (b) make application for a contract of apprenticeship by demonstrating eligibility under sections 11 and 18 of these regulations, or*
 - (c) subject to the Act, otherwise be eligible to work in that trade without a trade certificate.*
- (2) *A person who holds a document issued by another jurisdiction which is not recognized under sections 19, 20, 21, or 22 of these regulations and who is, or is seeking to become, employed in a trade designated for compulsory certification in Alberta must*
- (a) make application to the Executive Director for an assessment to determine if their skills and knowledge in the applicable trade meets Alberta standards, or*
 - (b) make application for a contract of apprenticeship by demonstrating eligibility under sections 11 and 18 of these regulations.*
- (3) *A person seeking to have their qualification assessed under section 23(1)(a) and 23(2)(a) of these regulations must*
- (a) present documentary evidence acceptable to the Executive Director that their certification is in a trade that is similar in scope of practice to a trade designated in Alberta,*
 - (b) provide translation into the English language, acceptable to the Executive Director, of credentials other than in English, submitted pursuant to subsection 2(a) above, and*
 - (c) successfully complete an examination or examinations as prescribed by the Board.*
- (4) *A person who has submitted an application under section 23(1)(a) and 23(2)(a) and who is not able to meet all the requirements of subsection (3) above, may be eligible to have previous training and experience credited towards an apprenticeship.*
- (5) *Acceptance by the Executive Director of an application to have qualifications assessed under section 23(1)(a) and 23(2)(a) of these regulations shall constitute a temporary authorization to work in the trade.*
- (7) *An application to have qualifications assessed under section 23(1)(a) and 23(2)(a) of these regulations shall be processed within 90 days of receipt by the Executive Director.*

Comments

Authority for sections 23, 24, and 25 of the proposed regulations is established in Section 33(2)(h) of the Act. Subsection (1) above deals with out-of-province tradespeople in optional certification trades and places requirements on them which are the same as what currently exists under the Manpower Development Act. Subsection (2) above deals with out-of-province tradespeople in compulsory certification trades and requires them to either apply for apprenticeship or for an examination/assessment.

Provisions under subsection (3) are the same as the requirements which currently exist under the Manpower Development Act for persons applying for a Journeyman Exam.

The intent of subsection (4) is to provide, those who do not possess the skills and knowledge of a journeyman, eligibility for credit towards apprenticeship for the skills which they do have as determined through the assessment. The applicability of this provision is dependent on the development of suitable assessment instruments.

Should the temporary authorization issued to those applying for recognition of equivalency to journeyman status, be restricted to working under the supervision of the journeyman? Would this constitute an unnecessary restriction to the self-employed?

Should criteria be established for the acceptance of an application based on a foreign credential (e.g. must be able to document X years of experience in the trade etc.)?



Proposed Regulation

Granting of a Document Recognizing That a Document is Equivalent to Alberta's Standards

- 24(1) *A person who has submitted an application under section 23(1)(a) and 23(2)(a) of these regulations and who is able to meet all the requirements of section 23(3) will be granted a document which recognizes that, based on examinations, the holder's qualifications meet the standards prescribed by the Board.*
- (2) *The issuance of documents referred to in section 24(1) above will be the responsibility of the Executive Director .*

Comments

Authority for this Section of the proposed regulations is established in Section 33(2)(h) of the Act.

Would a person whose skills have been determined to meet Alberta standards be expected to work on the strength of the credential issued by the other jurisdiction? Will industry accept foreign credentials

Will a certificate of journeyman equivalency issued by Alberta create a dual standard of certification? Would a dual standard be of concern?

Should the same document (journeyman equivalency) be issued for those who hold a credential which is recognized without examination under sections 19, 20, 21, or 22 of these regulations?

